Page 5, line 28: Replace "comprises" with --comprising--.

Page 5, line 32: Replace "node" with --mode--.

IN THE CLAIMS:

Please amend the claims as follows:

Claim 6, line 1: Replace "O-1" with --1--.

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action, dated May 11, 1999, in which: claims 6-9 are objected to for informalities; the drawings are objected to; claims 1-3, 6-9, and 11-19 are rejected under 35 USC 103(a) as being unpatentable over Afify at al.(hereinafter "Afify"); and claims 4-5 and 10 are rejected under 35 USC 103(a) as being unpatentable over Afify and further in view of Dobbins et al.(hereinafter "Dobbins"). Reconsideration of the above-referenced patent application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-19 are pending in the above-referenced patent application. No claims have been cancelled and no new claims have been added. Claim 6 has been amended to address a minor, inadvertent typographical error.

It is noted that various inadvertent typographical errors in the specification have been corrected by the foregoing amendments. Likewise, the Examiner's objection to claim 6 because of informality has been addressed. Of course, this merely addresses an

issue of form and does not limit the scope of the claim or result in prosecution history estoppel in any way or of any sort.

The Examiner has objected to Fig. 1. A replacement Fig. 1 is submitted with this amendment with the changes illustrated in red. No new matter is entered. It is respectfully requested that the Examiner approve this new Fig. and withdraw his objection.

The Examiner has also rejected claim 1-3, 6-9, and 11-19 under 35 USC 103(a) on Afify. This rejection by the Examiner of these claims is respectfully traversed.

It is assumed from the Examiner's discussion that he is relying on Figs. 9-10 and column 1, lines 12-19, and column 3, lines 6-33. The Examiner also takes official notice regarding the terms "byte", "bursts", and "buffer/FIFO." Applicant specifically traverses the Examiner's characterization of the term "bursts." The Examiner refers to an ATM connection and CAC algorithm; however, in the context of DRAM and a FIFO, the term burst has a different understanding than the one indicated by the Examiner. Although it is true that the amount of information to be transferred via a burst or burst mode, in terms or bits or bytes, for example, may vary, nonetheless, contrary to the Examiner's position, usually, in this context, the information is transferred in fixed or predetermined chunks or blocks, rather than varying chunks.

Applicant begins with claim 1. It is respectfully asserted that the Examiner is incorrect and the Afify patent does not render obvious the invention as recited in claim 1. There are many reasons for this because Afify does not relate at all to the subject matter of the claim. For example, Afify has nothing to do with interleaving a data stream. Furthermore, Afify does not "apply[ing] at least one grouping to [a] second MUX between applying groupings from [a] first MUX to the second MUX." Applicant has examined the

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cited patent closely and is unable to find anything described within its four corners that relates to this. Therefore, it is respectfully requested that the Examiner withdraw his rejection at to claim 1.

Claims 2-3, 6-9 and 11 depend from and include all the limitations of claim 1. Therefore, these claims patentably distinguish from the cited patent on the same basis as claim 1. It is respectfully requested that this rejection of these claims be withdrawn.

The Examiner has also rejected claim 12 under 35 USC 103(a) on Afify. It is noted that, although this was not apparently the basis for the Examiner's rejection, he states: "independent claims 12, and 18 do not specify the functionality that is shown in the Applicant's figure one. In other words, the Applicant's figure one discloses operations which claims 12 and 18 do not specify in means plus function form nor do claims 12 and 18 specify what the elements 110, 120, 130 and 140, are actually doing or are used for." It is respectfully asserted that it is not required that claims 12 and 18 specify in means plus function form operations that are disclosed by Fig. 1 or that the claims themselves specify what the elements shown in the figure are doing.

It is well-established that a claim may include functional language and not be a means plus function claim or employ means plus function format. For example, in the seminal case of *In re Swinehart*, 169 USPQ 226 (CCPA 1971), the CCPA noted that, despite some language in prior cases about functionality at ``the exact point of novelty,'' there is no basis for the proposition that ```functional' language, in and of itself, renders a claim improper.'' That court further went on to state:

> `We take the characterization `functional' ... to indicate nothing more than the fact that an attempt is being made to define something ... by what it *does* rather than by what it *is* (as evidenced by specific structure or material, for example). In our view, there is nothing intrinsically wrong with the use of such a technique in drafting patent claims. Indeed we have even recognized in the past the practical *necessity* for the use of functional language. See, for example, In re Halleck, 421 F.2d 911, 57 CCPA 954 (1970). We recognize

that prior cases have hinted at a possible distinction in this area depending on the criticality of the particular point at which such language might appear. Our study of these cases has satisfied us, however, that any concern over the use of functional language at the so-called `point of novelty' stems largely from the fear that an applicant will attempt to distinguish over a reference disclosure by emphasizing a property or function which may not be mentioned by the reference and thereby assert that his claimed subject matter is novel. Such a concern is not only irrelevant, it is misplaced.

Therefore, it is respectfully asserted that it is not necessary that claims 12 and 18 employ means plus function form to claim the operations disclosed by Fig. 1.

Furthermore, it is not necessary that **the claim itself** specify what elements 110-140 are doing or are used for, since claim 1 may cover embodiments of the invention that have nothing to do with these elements. Fig. 1 **merely illustrates one embodiment** of the invention. Therefore, as is made clear throughout the specification, the invention, and, therefore, the claims, are not limited to what is shown in Fig. 1 or specifically described in the specification. The operation employing elements 110-140 is described in the specification, such as at pages 4-5. Therefore, there is no question regarding enablement of one of ordinary skill in the art with respect to the specification. Regarding the claims, however, there is no requirement that the claims be limited to this particular embodiment, and, furthermore, Applicant specifically intends not to limit claim 1 in this manner.

Regarding the Examiner's rejection of claim 12 under 35 USC 103(a) on Afify, Applicant respectfully asserts, as was previously indicated regarding claim 1, that the cited patent does not render the invention, as recited in claim 12, obvious. Again, there are many reasons that Afify does not relate at all to the subject matter of the claim. For example, Afify has nothing to do with extracting a data stream, and, therefore, does not suggest or describe, for example, "selected groupings of bits from a received bit stream .. extracted to produce another bit stream...". Applicant has examined the cited patent closely and is unable to find anything described within its four corners that relates to this.

Therefore, it is respectfully requested that the Examiner withdraw his rejection as to claim 12.

Claims 13-17 depend from and include all the limitations of claim 12. Therefore, these claims patentably distinguish from the cited patent on the same basis as claim 12. It is, therefore, respectfully requested that the Examiner withdraw his rejection of these claims.

The Examiner has also rejected claim 18 under 35 USC 103(a) on Afify. All the previous remarks regarding claim 12, including the remarks responding to the Examiner's comments about means plus function form and so forth, apply to claim 18, and are herein incorporated here by reference. Therefore, it is respectfully requested that the Examiner withdraw his rejection of claim 18.

Claim 19 depends from claim 18 and distinguishes from the cited patent on the same basis as claim 18. Therefore, it is respectfully requested that the Examiner withdraw his rejection of this claim as well.

The Examiner has also rejected claims 4-5 and 10 under 35 USC 103(a) on Afify and further in view of Dobbins. Claims 4-5 and 10 depend from and include all the limitations of claim 1. The remarks above regarding claim 1 apply here as well and are incorporated by reference. Even assuming, merely for the purpose of making this legal argument, that the proposed combination is proper, which Applicant specifically does not concede, still the combination of Afify and Dobbins would not render the invention, as claimed, obvious, for the reasons discussed above regarding claim 1. Again, Afify, even in view of Dobbins, has nothing to do with interleaving a data stream. Furthermore, Afify, even in view of Dobbins, does not "apply... at least one grouping to [a] second MUX

between applying groupings from [a] first MUX to the second MUX." Therefore, it is respectfully requested that the Examiner withdraw his rejection as to claims 4-5 and 10.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 264-0967. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,

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